

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

JACK EDWARD HUNT (1)

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Case No. 4:09cr84
(Judge Schell)

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on May 12, 2011, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by James Peacock.

On August 20, 2007, Defendant was sentenced by the Honorable Harry F. Barnes to one day incarceration followed by three (3) years of supervised release for the offense of Transportation of Stolen Goods. On October 8, 2009, Defendant's supervised release was revoked and he was sentenced to four (4) months' custody followed by an additional thirty (30) months of supervised release. On December 24, 2009, Defendant completed his second period of imprisonment and began service of his supervised term. On December 20, 2010, this case was reassigned to the Honorable Richard A. Schell.

On December 16, 2010, the U.S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory condition: the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer. The petition also alleged

violations of the following standard conditions: (1) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician; and (2) the defendant shall report to the probation officer as directed by the Court or probation officer and shall submit a truthful and complete written report within the first five days of each month. The petition alleges violation of the following special condition: the defendant shall comply with any referral deemed appropriate by the U.S. Probation Officer for in-patient or out-patient evaluation, treatment, counseling, or testing for substance abuse.

The petition alleges that Defendant committed the following acts: (1) On April 20, 2010, June 17, 2010, and October 6, 11, and 13, 2010, the Defendant submitted urine specimens that tested positive for methamphetamine. The specimens were confirmed positive by Alere Laboratories; (2) Defendant failed to submit a written monthly report before the fifth day of the month in July, August, September, and October 2010; and (3) Defendant failed to report for random drug testing at the location of the treatment provider, Bob Alterman, 2608 Avenue K, Suite 104, Plano, Texas 75074, on February 22 and 25, 2010, March 26, 2010, April 9, 12, 14, and 23, 2010, May 7, 2010, July 8 and 29, 2010, August 2, 20, and 25, 2010, September 1, 17, and 20, 2010, October 8, 2010, and November 4, 2010.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months with no

supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 16th day of May, 2011.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE